



# San Diego City Attorney **MICHAEL J. AGUIRRE**

## **NEWS RELEASE**

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### **STATEMENT BY CITY ATTORNEY MICHAEL AGUIRRE REGARDING DISTRICT ATTORNEY BONNIE DUMANIS' PROPOSAL TO TRANSFER THE CITY ATTORNEY'S CRIMINAL DIVISION TO HER OFFICE**

*Dumanis made "unexpected" presentation to City Council today*

The San Diego City Attorney's Office will be investigating a potential Brown Act violation by the Mayor and City Council members, which occurred today at 10 a.m. that allowed Bonnie Dumanis, San Diego County District Attorney (DA), to present a 15 minute power point presentation related to transferring the prosecution of misdemeanor crimes that are handled by the Criminal Division of the San Diego City Attorney's Office to the District Attorney. The Brown Act requires a 72 hour public notice and posting of an agenda item containing a brief general description of each item of business to be transacted or discussed at the meeting.

Also, a media advisory from the District Attorney was emailed earlier this morning, informing the news media the DA would be making a presentation before the City Council during non-agenda public comment, "time certain at 10 a.m." That accommodation had to have been secured ahead of time through the Mayor's Office. The Mayor controls the city council agenda items.

Today's "budget presentation" by the DA was not about "saving the City tax dollars," said City Attorney Michael Aguirre. "It was an orchestrated effort led by the Mayor, City Manager and certain members of the City Council to silence the City Attorney because of his investigation into the City's pension crisis. The City's pension is nearly \$1.4 billion under funded."

In addition, it was clear that today's action was known by other elected officials and officials of the City of San Diego. Included in the District Attorney's press kits were letters to Mayor Dick Murphy, urging the Mayor to support the District Attorney's proposal. The letters were dated as early as March 29 and were sent by San Diego Police Chief Bill Lansdowne, County Sheriff Bill Kolender, County Public Defender Director Steven Carroll, California Highway Patrol Chief R. D. Carter and County Taxpayers Association Director Lisa Briggs. None of the individuals provided copies of their correspondence to the City Attorney.

"I am also asking the District Attorney to recuse herself and forward to the California Attorney General her ongoing investigation of possible Government Code Section 1090 violations by the SDCERS Board," said City Attorney Aguirre. "We are doing so because her effort to obtain jurisdiction over misdemeanor prosecutions in the City of San Diego requires support from the Mayor and Council, who are potentially witnesses in and targets of her investigation. This situation could create the appearance of impropriety or even a conflict of interest."

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